

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA

CASE NO. 18-cr-091-01-01

-vs-

JUDGE DRELL

KENYATTA EDMOND (01)

MAGISTRATE JUDGE PATRICK J.
HANNA

RULING AND ORDER

Before the court is a motion entitled "Motion to Reconsider" file by Kenyatta Edmond ("Edmond" or "Defendant") requesting reconsideration of his motion to vacate sentence pursuant to 28 U.S.C. § 2255, which we denied. For the following reasons, the motion to reconsider is also **DENIED**.

To begin, Edmond's motion to vacate sentence filed pursuant to 28 U.S.C. § 2255 was filed more than one year after finality of his conviction. 28 U.S.C. § 2255(f)(1). "A judgment of conviction becomes final" under § 2255(f)(1) when the Supreme Court affirms a conviction on the merits on direct review or denies a petition for a writ of certiorari, or when the time for filing a certiorari petition expires." United States v. Olvera, 775 F.3d 726, 729 (5th Cir. 2015) (internal citations omitted). A petition for a writ of certiorari is timely when it is filed within 90 days after entry of the judgment. SUP.CT. R. 13(1). The Fifth Circuit affirmed Edmond's sentence on January 3, 2020 making a writ of certiorari timely if filed by early April 2020. Edmond did not file a writ of certiorari making a motion to vacate sentence pursuant

to 28 U.S.C. § 2255 timely if filed by early April 2021. Edmond, however, did not file until May 2021, and is thus untimely. 28 U.S.C. § 2255(f)(1).

Even if his § 2255 motion was timely filed, we are not persuaded that Edmond's unsubstantiated "philosophic" beliefs expressed in the instant motion rebut the merits of the ruling and order denying relief. Edmond presents no new evidence or argument that alters the facts or otherwise undermine our decision.

THUS DONE AND SIGNED at Alexandria, Louisiana this 28th day of June, 2021.

A handwritten signature in black ink, appearing to read "Dee D. Drell", is written over a horizontal line.

DEE D. DRELL, JUDGE
UNITED STATES DISTRICT COURT